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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/997,505	11/20/2001	Kenzo Takahashi	6744-01	4163

7590 11/05/2003

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EXAMINER

SORKIN, DAVID L

ART UNIT	PAPER NUMBER
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1723

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/997,505	TAKAHASHI ET AL.	
	Examiner	Art Unit	
	David L. Sorkin	1723	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) 7-13 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

Election/Restrictions

1. Applicant's election of Group I, claims 1-6, in a response filed 10 September 2003 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention:

4. In independent claim 1, it is unclear if the elements mentioned in the claim preamble (before the word "comprising") are required elements of the claimed apparatus or merely mentioned with regard to an intended use.

5. In independent claim 1, lines 2-3, "an exhaust gas line" is recited. In line 6 of the claim, "an exhaust gas line" is again recite. This makes unclear which of the two exhaust gas lines subsequent references to "the exhaust gas line" refer to, for example in claims 2, 3, 4 and 6.

6. Particularly regarding claim 4, as seen in Fig. 1, the exhaust line extends from the mixer to the dust removal apparatus (23) and continues beyond the dust removable apparatus. It is unclear what is meant in claim 4 by "a dust removing apparatus is

provided in the upstream side of the exhaust gas line". Base claim 1 requires that the "exhaust gas line" exhaust air from the mixer. The dust removal apparatus is downstream of the mixer, along the exhaust gas line.

Claim Rejections - 35 USC § 102

7. While it unclear what is being claimed, as discussed above with regard to section 112, the claims have been considered with regard to the prior art to the extent possible.

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

9. Claims 1, 2, 5 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Rowen (US 2,286,309). Regarding claim 1, Rowen ('309) discloses a machine comprising a air supply line (41',42',43',44'), an exhaust line (47',48',49',72,74) connected to a heating mixer (60), comprising a deodorizing apparatus (66) that is provided in an exhaust gas line; and a heater (67) which is provided in the air supply. Regarding claim 2, a circulating line that is made to circulate a part of exhaust gas into the air supply line is connected to the exhaust gas line (see Fig. 3). Regarding claim 5, the air supply line is divided into a plural number of air supply lines (42',43',44') and the divided air supply lines are connected to the heating mixer. Regarding claim 6, the exhaust gas line is divided into a plural number of exhaust gas lines (47',48',49') and the divided exhaust gas lines are connected to the heated mixer.

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10. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Kunz (US 5,697,167). Regarding claim 1, Kunz ('167) discloses a machine comprising a air supply line (which enters "8" from the left side as seen in Fig. 1), an exhaust line (including "10", "22" and "23") connected to a heating mixer (8), comprising a deodorizing apparatus (1,2) that is provided in an exhaust gas line (see Fig. 1; col. 1, lines 46-50; col. 4, lines 18-19 and 33-35); and a heater (4) which is provided in the air supply. Regarding claim 2, a circulating line that is made to circulate a part of exhaust gas into the air supply line is connected to the exhaust gas line (see Fig. 1; col. 3, lines 12-14). Regarding claim 3, a preheater (21) that preheat exhaust gas before the exhaust gas is introduced into a deodorizing apparatus is provided downstream of the deodorizing apparatus (see Fig. 1). Regarding claim 4, a dust removing apparatus (11) is provided in the upstream side of the exhaust gas line. Regarding claim 6, the exhaust gas line is divided into a plural number of exhaust gas lines and the divided exhaust gas lines are connected to the heated mixer (see Fig. 1; col. 3, lines 15-17).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kunz (US 5,697,167). The machine of Kunz ('167) was discussed above with regard to claim 1. Kunz ('167) only discloses a single air line connected to the heating mixer, not plural air

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lines. However, it has been held that such duplication of parts would have been obvious. See *St. Regis Paper Co. v. Bemis Co., Inc.* 193 USPQ 8, 11 (7th Cir. 1977) and *In re Harza* 124 USPQ 378 (CCPA 1960).

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David L. Sorkin whose telephone number is 703-308-1121. The examiner can normally be reached on 9:00 -5:30 Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wanda L. Walker can be reached on 703-308-0457. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0661.



David Sorkin